

Senate Bill No. 516

CHAPTER 537

An act to add Section 30519.2 to the Public Resources Code, relating to coastal planning, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 4, 2001. Filed with
Secretary of State October 5, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 516, Johnson. Local coastal programs.

(1) The California Coastal Act of 1976 requires that, after a local coastal program is certified and all implementing actions within the area affected become effective, the California Coastal Commission ceases to exercise any development review authority over any new development proposed within the area affected and delegates that authority to the local government that is implementing the local coastal program.

This bill would require the County of Orange to exercise all development review authority pursuant to the certified local coastal program over those parcels and areas within the county, generally known as the "Annexed Area," upon the effective date of any reorganization or annexation by the City of Newport Beach that includes all or part of the Annexed Area.

The bill would authorize the City of Newport Beach, at any time after that annexation, if it elects to assume coastal management responsibility for the Annexed Area, to begin preparation of a local coastal program for that area, and to adopt provisions of the County of Orange's certified local coastal program that would apply to the Annexed Area. The bill would require that specified statutes and regulations governing procedures for the preparation, approval, and certification of a local coastal program by the California Coastal Commission be applicable to the preparation, approval, and certification of a local coastal program for the Annexed Area. The bill would require the City of Newport Beach, if it obtains certification of a local coastal program for the Annexed Area pursuant to those provisions, upon the effective date of that certification, to exercise all of the authority under the act granted to a local government with a certified local coastal program, and would provide that the aforementioned provisions requiring the County of Orange to exercise all development review authority pursuant to the certified local coastal program over those parcels and areas within the county defined as the Annexed Area shall become inoperative. The bill would require the City

of Newport Beach to submit to the commission for approval and certification on or before June 30, 2003, or 24 months after the effective date of the annexation of the Annexed Area, the city's local coastal program for all of the geographic area within the coastal zone and the city's corporate boundaries as of June 30, 2000. By requiring the City of Newport Beach to submit a local coastal program for specified territory that lies inside the city limits within a specified time period, the bill would impose a state-mandated local program.

The bill would provide that if the City of Newport Beach does not submit a local coastal program to the commission as specified above, it would be required to submit a late fee of \$1,000 per month for deposit into the Violation Remediation Account of the Coastal Conservancy Fund.

(2) The bill would state the findings and declarations of the Legislature that, due to unique circumstances applicable to the County of Orange, a statute of general applicability cannot be made applicable.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 30519.2 is added to the Public Resources Code, to read:

30519.2. (a) (1) This subdivision shall only apply to territory described in paragraph (2) and defined as the "Annexed Area."

(2) For purposes of this section, "Annexed Area" means the territory consisting of approximately 5,450 acres in the County of Orange bounded to the north by the inland boundary of the coastal zone, to the east by the western boundary of Crystal Cove State Park, to the south by the state's outer limit of jurisdiction over the Pacific Ocean, and to the west by the city limits of the City of Newport Beach.

(3) This subdivision shall be operative upon the effective date of the annexation of all or part of the Annexed Area by the City of Newport Beach.

(4) Upon the recordation of a certificate of completion of any reorganization or change of organization that results in the annexation



of all or part of the Annexed Area by the City of Newport Beach, both of the following shall occur:

(A) The local coastal program applicable to any part of the Annexed Area shall continue to be the certified local coastal program for the County of Orange.

(B) The County of Orange shall continue to exercise all development review authority described in Section 30519, as delegated to it by the commission consistent with the certified local coastal program of the County of Orange for the Annexed Area.

(5) If, at any time after the recordation of the certificate of completion of the annexation of the Annexed Area, the City of Newport Beach elects to assume coastal management responsibility for the Annexed Area, the city may begin preparation of a local coastal program for that area. The City of Newport Beach may adopt provisions of the County of Orange's certified local coastal program that apply to the Annexed Area. All of the procedures for the preparation, approval, and certification of a local coastal program set forth in this division, and any applicable regulations adopted by the commission, shall apply to the preparation, approval, and certification of a local coastal program for the Annexed Area.

(6) If the City of Newport Beach obtains certification of a local coastal program for the Annexed Area, the city shall, upon the effective date of that certification, exercise all of the authority granted to a local government with a certified local coastal program, and the provisions of paragraph (4) shall become inoperative.

(b) On or before June 30, 2003, or 24 months after the annexation of the Annexed Area, whichever event occurs first, the City of Newport Beach shall submit to the commission for approval and certification the city's local coastal program for all of the geographic area within the coastal zone and the city's corporate boundaries as of June 30, 2000. The submittal may include a local coastal program segment for the Annexed Area that will implement the local coastal program for the County of Orange as described in paragraph (4) of subdivision (a).

(c) If the City of Newport Beach fails to submit a local coastal program to the commission for approval and certification pursuant to subdivision (b) or does not have an effectively certified local coastal program within six months after the commission's approval of the local coastal program, the City of Newport Beach shall submit a monthly late fee of one thousand dollars (\$1,000) to be deposited into the Violation Remediation Account of the Coastal Conservancy Fund, to be expended in accordance with the purposes of Section 30823. The City of Newport Beach shall pay the monthly late fee until the time that the city commences implementation of an effectively certified local coastal



program. The city may not recover the cost of the late fee from any owner or lessee of property in the coastal zone.

SEC. 2. The Legislature finds and declares that, due to the unique circumstances applicable to the territory generally known as the Annexed Area within the County of Orange relating to the certified local coastal program for the county, a statute of general applicability cannot be made applicable within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In deciding to annex territory in the coastal zone, as defined in Section 30103 of the Public Resources Code, generally known as the “Annexed Area,” the City of Newport Beach seeks to preserve the open-space dedications and entitlements protected by an existing certified local coastal program. At the same time, in order to effectively fund police and fire protection services among municipal services to the area, the city needs the property tax revenues from the Annexed Area to be allocated to the city for the 2002–03 fiscal year.

